IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

RP.No. 421 of 2007

AGAINST THE JUDGEMENT/ORDER IN AS.635/1996 Dated 28/05/2004
O.S.64/1973 of I ADDL.SUB COURT,ERNAKULAM (IA.602/88)

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PETITIONERS/RESPONDENTS 1, 24 TO 28:

1. JAIBUNNISA BAI, AGED 64,
W/O.SATTAR SAIT, HOUSE NO.40/4073 (OLD 37/2434),
JEWS STREET WRITTEN AS NEWS STREET,
KOVILVATTOM DESOM,ERNAKULAM VILLAGE, KOCHI-11.

2. MUHAMMED YOUSUFF SAIT,WRITTEN AS
MUHAMMED YOUSUFF AGED 46,S/O.LATE SATHARI SAIT,
AGED 46 YEARS, NO.59, 4TH MAIN FURTHER
EXTENSION, VIVEK NAGAR,BANGLORE-560071.

3. ANDUL NASIR SAIT WRITTEN AS MOHAMMED
NAZAR AGED 43, S/O.LATE SATHAR SAIT, RESIDING AT
40/4073 (OLD 37/2434),JEWS STREET, ERNAKULAM VILLAGE, KOCHI-11.

4. DAWOOD SAIT WRITTEN AS HAJEE DAWOOD,
AGED 40 S/O.LATE SATHAR SAIT, RESIDING AT
40/4073 (OLD 37/2434),JEWS STREET, ERNAKULAM VILLAGE, KOCHI-11.

5. MUHAMMED HANEEF SAIT MENTIONED IN THE
DECREE AS MUHAMMED ASLAM, AGED 36,S/O.LATE ABDUL
SATHAR SAIT, RESIDING AT 40/4073 (OLD 37/2434),
JEWS STREET, ERNAKULAM VILLAGE, KOCHI-11.

6. MUHAMMED RAFFIQ SAIT, AGED 34,
S/O.LATE HAJEE ABDUL SATHAR SAIT,RESIDING IN
40/4073 (OLD 37/2434),JEWS STREET, ERNAKULAM VILLAGE, KOCHI-11.

BY ADV. SRI.K.V.JAYACHANDRAN

RESPONDENTS:

1. NOOR MOHAMMED SAIT, S/O.DAWOOD SAIT,
PLOT NO.37, MIG FORT COCHIN (DIED).

2. NOOR BAI, W/O.LATE NOOR MOHANNED SAIT,
AGED 70, PLOT O.37,MIG FORT COCHIN, NOW RESIDING
AT CONVENT ROAD, 40/7756A-1, FLOOR T.D.ROAD
JUNCTION,M ERNAKULAM, COCHIN-35.

3. MOHAMMED ANWAR, S/O.LATE NOOR MOHANNED
SAIT,AGED 49,MULLAPARAMBU HOUSE,NO.10/972, FORT COCHI.

4. MOHAMMED RAFIQUE, S/O.LATE NOOR MOHANNED
SAIT,AGED 45, NOW RESIDING AT CONVENT ROAD,
40/7756 A-III FLOOR, T.D.ROAD JUNCTION, ERNAKULAM, KOCHI-35.

5. MUHAMMED JAMAL,S/O.LATE NOOR MOHANNED
SAIT,AGED 41, NOW RESIDING AT CONVENT ROAD,
40/7756 A-IFLOOR, T.D.ROAD JUNCTION, ERNAKULAM, KOCHI-35.

6. THAHERA BAI,, D/O.LATE NOOR MOHANNED
SAIT,AGED 39,NEAR CANARA BANK, KUNNUMPURAM, FORT KOCHI.

7. BHANU BAI, W/O.HAJI HUSSIAN SAIT
ABDULLA SIT, 37/2433, JEWS STREET,
KOVILVATTOM DESOM, ERNAKULAM VILLAGE,KOCHI-31.

8. ABDULLA SIAT, S/O.HAJI HUSSIAN SAIT
ABDULLA SIT, 37/2433,JEWS STREET,
KOVILVATTOM DESOM, ERNAKULAM VILLAGE,KOCHI-31.

9. ASMAJI SAIT WRITTEN AS ADAMI SAIT,
S/O.DAWOOD SAIT, RESIDING AT C/2674, BAITUL ZAHORE,
MOOCHIPALASTROUGHT, HYDERABAD SINDH, PAKISTAN.

10. SULAIMAN SAIT, S/O.LATE DAWOOD SAIT
HOUSE NO.OLD 37/2434,JEWS STREET,
KOVILVATTOM DESOM, ERNAKULAM VILLAGE.

11. USMAN SIT, S/O.LATE DAWOOD SAIT
NOW RESIDING AT RUBBY BUILDING, I FLOOR,
ROOM NO.14/15, KAMBETORE SREET, MUMBAI - 400 003.

12. LUKMAN SAIT, S/O.DAWOOD SAIT,
RESIDING AT 21 A SAMASH MANSIL GROUND FOOOR,
DARGHA STREET, MAHIM MUMBAI-16.

13. RABOO BAI, D/O.DAWOOD SAIT,
W/O.MEMON JANMOHAMMED SAIT, RESIDING AT
U.K.SQUARE, WATER PUMP GIS, FEDERAL BARE, KARACHI, PAKISTAN.

14. MEHARU BAI,D/O.DAWOOD SAIT & W/O. MOHAMMED MANAFF, NOW RESIDING AT 107, KAMBEKAT BUILDING, MUMBAI-3.

15. JUBBI BAI, D/O.DAWOOD SAIT & W/O. ALI MUHAMMED PATHANWALA, NOW RESIDING AT AGHADI NAGAR, BLOOK NO.4/B, BUILDING NO.G.8, GOUND FLOOR, PUMP HOUSE, ADHERI EAST MUMBI-400 093.

16. GAFFAR SAIT, S/O.NOOR MOHAMMED SAIT, RESIDING AT 2 ROOMS IN THE FIRST FLOOR OF BUILDING NO.37/2434, NOW RESIDING AT NOOR MANZIL, POOVATHU ROAD, FORT COCHIN.

17. GAOFFAR SAIT,NOOR MANZIL -DO-.

18. IQUBAL SAIT, S/O.NOOR MOHAMMED SAIT, OLD 37/2434,KOVILVATTOM DESOM, ERNAKULAM VILLAGE, NOW RESIDING AT SURYA KANTI APARTMENTS, CHITTOOR ROAD, ERNAKULAM.

19. ZEENA BAI, W/O.IQUBAL SAIT, -DO-.

20. RABIA BAI, 1ST W/O.SULAIMAN SAIT, HOUSE NO.37/2434, JEWS STREET,KOVILVATTOM DESOM, ERNAKULAM VILLAGE.

21. ABDUL RAHMAN, S/O.SLAIMAN SAIT, HOUSE NO.37/2434, JEWS STREET, KOVILVATTOM DESOM,ERNAKULAM VILLAGE.

22. HAMEED BAI,2ND W/O.SLAIMAN SAIT, HOUSE NO.37/2434, JEWS STREET, KOVILVATTOM DESOM,ERNAKULAM VILLAGE.

23. YASMIN, D/O.SLAIMAN SAIT, HOUSE NO.37/2434, JEWS STREET, KOVILVATTOM DESOM,ERNAKULAM VILLAGE.

24. SAHIRA,D/O.SLAIMAN SAIT, HOUSE NO.37/2434, JEWS STREET, KOVILVATTOM DESOM,ERNAKULAM VILLAGE.

25. ABDUL KAREEM, AGED 38, S/O.LATE NOOR MOHAMMED SAIT, MIG 37, FORT NAGAR, FORT KOCHI.

BY ADV. SRI.C.K.ARAVINDAKSHA MENON
SRI.K.C.CHARLES
SRI.PEYES A KOTTAM
SRI.P.J.VARGHESE
SRI.P.J.JOSEPH PANICKASSERY
SRI.K.RAVINDRANATHAN NAIR
SRI.N.C.JOSEPH

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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R.P.No.421 OF 2007 IN A.S.635 OF 1996

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Dated this the 8th day of October, 2007

ORDER

Radhakrishnan, J

There is a delay of 945 days in filing this appeal. We have gone through the affidavit filed in support of the petition for condonation of delay. The reason stated in the affidavit is not sufficient to uphold the delay of 945 days.

We are of the view that sufficient grounds have not been made out to condone the delay. In such circumstances, both the petition to condone the delay and the appeal stand dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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